THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO :28277 OF 1998

DATED 22-08-2005

Between :

Smt.D.Radhika, wife of V.Daklshnina Moorthy, aged about 62 years, resident of Thennamaram Street, Opp: Rajkamal Choultry, Vellore North Arcot District.

Petitioner.

And:

1. The Authority under Minimum Wages Act; and the Asst. Commissioner of Labour, Tirupathi and others.

Respondents

ORDER:

This writ petition is filed questioning the order passed in interlocutory application M.W.M.P.No.5 of 1998 dated 1st September, 1998 on the file of the Authority under Minimum Wages Act-Cum-the Assistant Commissioner of Labour, Tirupathi.

The 2nd respondent-workman who is working with the petitioner-management filed a petition in M.W. No. 10 of 1998 seeking a direction to the petitioner-management to pay an amount of Rs.1,06,875/- towards difference of wages to him.

According to the 2nd respondent-workman, he worked in the petitioner's bus service from 22-01-1992 to 31-10-1997. He was paid lesser wages than the minimum one fixed by the Government for the post held by him. In this regard, the writ petitioner-management filed a detailed counter denying the claim of the 2nd respondent-

workman and also raised an objection as to the delay caused in filing the application under Minimum Wages Act. Therefore, the authority under the Minimum Wages Act has passed an order overruling the objection taken by the writ petitioner-management. Aggrieved by the same, this writ petition is filed.

I am of the opinion that this is nothing but an unfair labour practice on the part of the petitioner-management. It is always open for the petitioner/management to question the same when the original proceedings are concluded and if they are sought to be questioned before any appropriate forum. This sort of practice on the part of the petitioner-management, is liable to be deprecated in as much as only in order to cause delay and hardship to the 2nd respondent-workman, the above practice has been adopted. Therefore, the writ petition is misconceived. However, to give a quietus to the said controversy here itself, I have examined the order passed by the authority under the Minimum Wages Act dated 01-09-1998. I am of the opinion that the authority has not committed any error warranting interference by this Court under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No order as to costs.

However, the 1st respondent is directed to take up M.W.No.10/98 immediately and dispose of the same on merits, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

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Justice C.V.RAMULU

DATE : 22-08-2005

Dvs

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